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March 31, 2023

**BY ECF**

Hon. Sarah L. Cave  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
500 Pearl Street, New York, NY 10007

Re: *Bensmaine v. City of New York*  
Docket 21 civ 4816 (JLR)(SLC)

Your Honor:

I am co-counsel for the Plaintiff in this matter. I write jointly with Defendants' counsel Omar Siddiqi pursuant to the Court's order dated 2/10/2023 directing the parties to provide an update on fact discovery by March 31, 2023.

Plaintiff's Statement: Plaintiff produced all initial disclosures in 2021 and responded in full to all discovery and interrogatory requests in January 2022. Defendants have not produced discovery, despite a successful motion to compel and the issuance of a confidentiality order. However, the parties are currently discussing potential settlement. Plaintiff joins in Defendants' request to set a deadline of one month to allow the parties to explore settlement, with the understanding that if there is no progress, a new case management plan will be proposed and short deadlines imposed on Defendants for production so that Plaintiff is not further prejudiced by Defendants' lack of compliance with discovery orders and demands.

Defendants' Statement:

The undersigned was recently assigned as lead counsel on this matter for the purpose of exploring settlement. I have spoken to plaintiff's attorneys and believe there is a path forward on settlement. I am currently in the process of conferring with my Office with regard to generating a demand to plaintiff's demand. Defendants suggest that the Court set a deadline of one month to allow the parties to explore settlement. Should there be no progress after one month, the parties would submit a status report proposing dates for the remaining discovery issues.

The parties thank the Court for its time and attention to these matters.

Respectfully Submitted,

/s/ Sujata S. Gibson  
Co-Counsel for the Plaintiff

Cc: All counsel via ECF